



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Paralegal Specialist
(M0781V), Jersey City
Redevelopment Agency

Appointment Waiver Request

CSC Docket No. 2019-1174

ISSUED: JUNE 14, 2019 (EG)

The Jersey City Redevelopment Agency (Redevelopment Agency) requests permission not to make an appointment from the March 19, 2018 certification for Paralegal Specialist (M0781V).

The record reveals that the Redevelopment Agency provisionally appointed Maria Aguilar-Ambrossi pending open-competitive examination procedures, to the title of Paralegal Specialist, effective March 29, 2017. As a result of the provisional appointment, an examination was announced with a closing date of October 20, 2017. Three applicants, were admitted to the examination. Aguilar-Ambrossi was not admitted to the examination. The resulting eligible list of three eligible promulgated on March 15, 2018 and expires on March 14, 2021. The Redevelopment Agency took no action to obviate the need for the examination at the time of the announcement or prior to the administration of the examination. On March 19, 2018, the names of all three eligibles were certified from the eligible list. The Redevelopment Agency returned the certification and requested a waiver of the appointment requirement and costs due to fiscal constraints. Specifically, it maintained that it is a self-funded agency that does not have a reoccurring source of income. Additionally, the Redevelopment Agency requested the elimination of the Paralegal Specialist position as it no longer had a need for the position. In this regard, it asserts that the title of Paralegal Technician 1¹ is the more appropriate title for the more responsible duties currently being performed by Aguilar-

¹ As of April 27, 2019, the Paralegal Technician series was renumbered to comply with current job title standards. Thus, Paralegal Technician 1 was renumbered to Paralegal Technician 2.

Ambrossi. Therefore, it requests that the title of Paralegal Specialist be changed to Paralegal Technician 1. It is noted that the Redevelopment Agency did not provide a description of the duties Aguilar-Ambrossi performs nor did it submit the names of the paralegals supervised by Aguilar-Ambrossi.

The Redevelopment Agency's request for an appointment waiver was acknowledged, and it was advised that if its request were granted, it could be assessed for the costs of the selection process in the amount of \$2,048. In response, the Redevelopment Agency submitted a check for \$2,048 with no further arguments.

Personnel records reveal that Aguilar-Ambrossi's provisional appointment as a Paralegal Specialist was terminated effective when she was provisionally appointed to the title of Paralegal Technician 2,² on September 17, 2018, at the same salary of \$55,000. Personnel records reveal that there are no employees serving provisionally in the subject title with the Redevelopment Agency. Further, personnel records indicate that Aguilar-Ambrossi is the only employee in a paralegal related title with the Redevelopment Agency.

The job specification for Paralegal Specialist indicates that an individual in that title under direction, assists in the preparation of cases for legal action, conducts assigned legal research, gathers factual information, and assists in the preparation of legal documents; does other related duties. The job specification for Paralegal Technician 2 indicates that an individual in that title under the direction of an attorney or other supervisory official, supervises paralegal staff and personally performs the more complex work involved in the research of laws, rules, and regulations, the investigation of facts, and the preparation of documents for use in briefs, pleadings, appeals, and other legal actions; supervises staff and work activities; prepares and signs official performance evaluations for subordinate staff; does other related duties as required.

CONCLUSION

In accordance with *N.J.S.A.* 11A:4-5, once the examination process has been initiated due to the appointment of a provisional employee or due to an appointing authority's request for a list to fill a vacancy, the appointing authority must make an appointment from the resulting eligible list if there are three or more interested and eligible candidates. The only exception to this mandate may be made for a valid reason such as fiscal constraints.

In the instant matter, the examination for the title of Paralegal Specialist was generated as a result of the provisional appointment of Aguilar-Ambrossi.

² Agency records indicate that an examination for Paralegal Technician 2 (M2179W) Jersey City, was announced with a closing date of November 21, 2018. To date, the eligible list has not yet issued.

After a complete certification was issued, the Redevelopment Agency requested that Paralegal Specialist be changed to Paralegal Technician 2, as the former title was more appropriate for the duties currently being performed by Aguilar-Ambrossi. In this regard, personnel records reveal that Aguilar-Ambrossi's provisional appointment as a Paralegal Specialist was terminated effective when she was provisionally appointed to the title of Paralegal Technician 2, on September 17, 2018, at the same salary of \$55,000.

A review of the above-noted job specifications reveals that an individual in the title of Paralegal Specialist performs similar duties as an individual in the title of Paralegal Technician 2, without the supervisory duties. In this regard, the Civil Service Commission (Commission) notes that the Redevelopment Agency did not provide the names of the paralegals Aguilar-Ambrossi supervises. Further, official records indicate that Aguilar-Ambrossi is the only employee in a paralegal related title in the Redevelopment Agency. The Commission is concerned that the Redevelopment Agency actions in request the position of Paralegal Specialist be changed to the title Paralegal Technician 2, was merely an attempt to circumvent Civil Services law and rules. In this regard, the Redevelopment Agency argues that the job duties of the Paralegal Technician 2 title more closely resembled the work being done by Aguilar-Ambrossi in her Paralegal Specialist position. However, even though the position of Paralegal Technician 2 is a supervisory position, there is no evidence in the record that Aguilar-Ambrossi is supervising paralegals. Instead, it appears as if the request to change positions was created so that Aguilar-Ambrossi could continue to be employed as her name was not on the subject certification.

N.J.S.A. 11A:3-1 and *N.J.A.C. 4A:3-3.1(a)* provide that each position in the career and unclassified services shall be assigned to a job title. *N.J.A.C. 4A:3-3.3(d)* provides that positions in the career, unclassified and senior executive service shall be subject to job audit to ensure accurate classification and compliance with Titles 11A and 4A. Moreover, *N.J.A.C. 4A:3-3.4* provides that no person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds. In the instant matter, the Redevelopment Agency asserts that Aguilar-Ambrossi's proper classification should be Paralegal Technician 2. However, it appears that such an appointment might have been an attempt to circumvent Civil Service law and rules as explained above. Since the Commission cannot determine on the existing record the title to which Aguilar-Ambrossi should be classified, it is appropriate that this matter be referred to the Division of Agency Services for a classification review of Aguilar-Ambrossi's position.

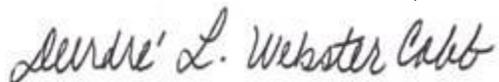
ORDER

Therefore, it is ordered that the request for the waiver of the appointment requirement be held in abeyance pending the determination of the Division of Agency Services regarding Aguilar-Ambrossi's position.

It is also ordered that the Division of Agency Services complete its classification review of Aguilar-Ambrossi and issue its determination to Aguilar-Ambrossi's, the Jersey City Redevelopment Agency and the Civil Service Commission within 30 days of the issuance of this decision.

It is further ordered that the processing of the examination for Paralegal Technician 2 (M2179W) Jersey City, also be held in abeyance pending the Commission's decision in this matter.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12TH DAY OF JUNE, 2019



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